

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 454

Introduced by Senator Corbett

February 21, 2013

An act to add Chapter 8.7 (commencing with Section 44268) to Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, as amended, Corbett. Public resources: electric vehicle charging stations.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, that authorizes, among other things, upon appropriation by the Legislature, a grant program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources that includes a residential plug-in electric vehicle charging station.

Existing law also creates a grant program for the purchase and lease of zero-emission vehicles, as defined, in the state, to be developed and administered by the State Air Resources Board, in conjunction with the commission. The program provides grants to specified recipients in an amount equal to 90% of the incremental cost above \$1,000 of an eligible new zero-emission light-duty car or truck, as defined.

This bill would create the Electric Vehicle Charging Stations Open Access Act that would prohibit the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and would prohibit a requirement for persons to obtain membership in

any club, association, or organization as a condition of using the station, except as specified. The bill ~~also~~ would, *however*, authorize an electric vehicle charging station to require additional ~~out-of-network~~ *network roaming* charges for ~~roaming users~~ *nonmembers* if those charges are disclosed to the public, ~~as specified at the point of sale~~. The bill would require an electric vehicle charging station to provide to the general public ~~at least one of 2 specified options of payment~~.

The bill would require all persons that provide electric vehicle charging services to disclose to the public and the commission the station's geographic location, *a schedule of fees*, accepted methods of payment, ~~and the amount of the fees charged nonsubscribers or to nonmembers, including out-of-network charges for roaming users~~ *network roaming charges for nonmembers, if any*. The bill would authorize the commission to provide this information to the National Renewable Energy Laboratory ~~or, to other governmental entities, or to software application developers for the purposes~~ *purpose* of compiling it and providing the information to the public. ~~The bill would also authorize the commission to release the information directly to the public.~~

The bill would also require the commission, on or after January 1, 2015, to adopt interoperability *billing* standards for network roaming payment methods for electric vehicle charging stations, and would require, if the commission adopts standards, all electric vehicle charging stations that require payment to meet those standards within one year. The bill would require the Department of Consumer Affairs to maintain a toll-free telephone number and email address ~~or an Internet Web site to collect consumer complaints about electric vehicle charging stations from electric vehicle owners or drivers regarding violations of these provisions~~. The bill would authorize the department to respond to consumer complaints and would require the department to summarize those complaints by number and type of complaint and make the summary available to the public *annually*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

(a) California is the nation’s largest market for cars and light-duty trucks.

(b) The transportation sector is the biggest contributor to California’s greenhouse gas emissions and accounts for approximately 40 percent of these emissions.

(c) California should encourage the development and success of zero-emission vehicles to protect the environment, stimulate economic growth, and improve the quality of life in the state.

(d) California should encourage and support the development of infrastructure for open and accessible public charging stations as well as industry efforts to develop interoperability standards for those charging stations.

(e) In order to reach the goal of 1.5 million electric drive vehicles in California by 2025, electric vehicle (EV) consumers need confidence that they can access a robust network of EV charging stations. Any EV driver should be able to access any publicly available charging station, regardless of the system provider.

(f) EV consumers and drivers need to be able to find the stations and know how much they cost.

(g) It is the intent of the Legislature to (1) promote a positive driving experience by assisting in the widespread deployment of electric vehicles, (2) not limit the ability of a property owner or lessor of public parking spaces, as defined in Section 44268, to restrict use or access of those parking spaces *to customers*, and (3) ~~provide procedures that allow EV drivers to access EV charging station services for a cost or fee through a network roaming arrangement from various EV service providers~~ *facilitate EV driver access to all electric vehicle charging stations in public places.*

SEC. 2. Chapter 8.7 (commencing with Section 44268) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN
ACCESS ACT

44268. As used in this chapter, the following terms have the following meanings:

(a) “Battery” means an electrochemical energy storage system powered directly by electrical current.

(b) “Battery charging station” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

(c) “Electric vehicle” means a vehicle that uses ~~an electric motor~~ *for a plug-in battery to provide* all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

(d) “Electric vehicle charging station” means one or more public parking spaces ~~located together with~~ *served by* a battery charging station. ~~An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging electric vehicles.~~ *station.*

(e) “Interoperability standards” means the ability for a member of one electric charging station network to use another network.

(f) “Network roaming” means the act of a member of one electric charging station network using a charging station that is outside of the member’s network with his or her network account information.

(g) “Public parking space” means a parking space that is available to, and accessible by, the public and includes on-street parking spaces, parking spaces in surface lots or ~~underground or above-ground~~ parking garages, and designated visitor parking spaces in a private business parking lot. “Public parking spaces” shall not include a parking space that is part of, or ~~connected to~~ *associated with*, a private residence or a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, ~~customers~~ *residents of a common interest development*, or residents of an adjacent building. Nothing in this article limits the ~~ability of the owner or lessor of the parking space from restricting use of the parking space.~~ *ability of an owner or lessor of a parking space whose primary business is other than electric vehicle charging from restricting use of the parking space to customers of the business.*

44268.2. (a) (1) Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not

be required to obtain membership in any club, association, or organization as a condition of using the station. Use of an electric vehicle charging station may require additional ~~out-of-network~~ *network roaming* charges for nonmembers if those charges are disclosed to the public, pursuant to subdivision (b) *at the point of sale*. An electric vehicle charging station shall provide to the public ~~one or both of the following options of payment:~~ *vehicle charging station that requires payment of a fee shall allow a person desiring to use the station to pay via credit card or mobile technology, or both.*

~~(A) Pay directly via credit card.~~

~~(B) Pay over the telephone through a toll-free telephone number established and displayed on or near the charging station.~~

(2) Notwithstanding paragraph (1), an electric vehicle charging station may offer services on a subscription- or membership-only basis provided those electric vehicle charging stations allow nonsubscribers or nonmembers the ability to use the electric vehicle charging station through the payment options detailed in paragraph (1).

~~(b) All persons providing electric vehicle charging services shall disclose to the~~ *The provider of an electric vehicle charging station that is accessible to the public shall disclose to the* public and the State Energy Resources Conservation and Development Commission the station's geographic location, *a schedule of fees*, accepted methods of payment, ~~the amount of the fees charged to nonsubscribers or nonmembers for single-use charging services or stations, including any additional charges to nonmembers or out-of-network charges for roaming users and the amount of network roaming charges for nonmembers, if any.~~ The commission may provide this information to the National Renewable Energy Laboratory ~~or, to other governmental entities, or to software application developers for the purposes~~ *purpose* of compiling it and providing the information to the public. *The commission may also release the information directly to the public.*

(c) Electric vehicle charging stations ~~subject to the requirements of this section~~ shall be labeled in accordance with Part 309 of Title 16 of the Code of Federal Regulations, and where commercially reasonable and feasible, be clearly marked with appropriate directional signage in the parking area or facility where they are located.

- 1 (d) On or after January 1, 2015, the commission may adopt
2 interoperability *billing* standards for network roaming payment
3 methods for electric vehicle charging stations. If the commission
4 adopts interoperability billing standards, all electric vehicle
5 charging stations that require payment shall meet those standards
6 within one year. The commission *shall consider other*
7 *governmental or industry-developed interoperability billing*
8 *standards and* may adopt interoperability standards promulgated
9 by an outside authoritative body.
- 10 (e) The Department of Consumer Affairs shall maintain a
11 toll-free telephone number and email address *or an Internet Web*
12 *site* to collect consumer complaints ~~about electric vehicle charging~~
13 ~~stations from electric vehicle owners or drivers~~ *regarding violations*
14 *of this section*. The department may respond to complaints. The
15 department shall summarize the complaints by number and type
16 of complaint and make the summary available to the public
17 *annually*.